

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

In re Application of
Kenneth J. SUSNJARA

Serial No.: 09/872,335

Filed: June 2, 2001

For: **METHOD FOR MARKETING AND
ADVERTISING COMPONENT
PRODUCTS USED IN THE PRODUCTION
OF COMPOSITE PRODUCTS**

APPELLANT'S REPLY BRIEF

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In the Examiner's answer, it is inferred that the abstract of Carlin teaches providing free software to design professionals and their clients, stated that paragraph [0025] of Carlin teaches the use of free software for use in interior, exterior and landscape (improvement) and further states that it is well known to input instructional programs in CNC machines to operate such machines. However, the abstract does not teach providing free software but free photorealistic images, the software referred to in paragraph [0025] is not a program intended to be used independently on a user computer but an interactive system, and although the programming and use of CNC machines are well known, they have not been employed in the claimed context.

In the Carlin method, a server computer is intended to communicate over a digital communication network a catalog of low-resolution, 3D models of various objects and a model of a scene in which such objects may be arranged, to a user computer. The user is then able to select one or more of the offered objects from the catalog and at least one scene in which such selected objects are to be arranged. The selected scene, selected objects and the arrangement of the selected objects in the selected scene are then digitally communicated by the user to the server computer. The server computer then digitally communicates back to the user computer a high resolution graphic image of the selected objects arranged in the selected scene. The user, having the benefit of the high resolution images of the selected objects may then purchase such objects. The asserted advantage of such a system is that the extensive data pertinent to the high resolution of the object images is stored in the server computer which may be accessed by the user computer.

In the claimed invention, there is no comparable interaction between a user computer and

a server computer over a digital communications network other than the available, ancillary purchase of parts used in the manufacture of the composite produced by the user. The software package provided to the user is independently installed in the user's computer and independently operated by the user to personally interact with a prospective customer of the user to design and display a product for sale to the customer, and then, presuming a sale of the designed product to the customer, operating the user computer independently to prepare a bill of materials for the sold product and further preparing an instructional program for a CNC machine such as a router for producing some of the components required to assemble the end produced. Where the product to be manufactured would consist of a set of kitchen cabinets, the bill of materials generated would specify the wooden pieces and hardware required, and the instructional program would specify the cutting, slotting, grooving, drilling, mortising, sanding and the like of the wooden pieces. Raw wooden materials and hardware may be purchased from local vendors or from the software package provider, online.

Other than the possible ancillary purchase of materials from the software package provider, there is no interaction over any digital communication network between the software package provider and a user of such package. There is no transmission of any catalog of any object or scene images from any remote party to any user party over any network, no generation of any low resolution of any object or scene images provided in any catalog by any user, no transmission of any such low resolution images by any user to any remote party over any network and no transmission of any high resolution images of any objects or scenes from any such remote

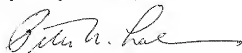
party to any such user party over any network.

Official notice perhaps may be taken that CNC machines may be programmed to operate in a manner similar to a manually operated manner but official notice may not be taken in the context of providing a software package to a user providing for the design of a product and the generation of a bill of materials of such a product and the generation of a set of instruction for the production of some of such products in a CNC machine as an inducement for such user to purchase some of such materials and possibly even such a CNC machine itself from the software package provider.

In view of the aforementioned distinction of the claimed method over the Carlin method and a lack of teaching of Carlin coupled with the aid of official notice, it respectfully is solicited that the rejection of Appellant's claims be reversed.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith, or credit any overpayment, to our Deposit Account No. 14-1437, under Order No. 8386.002.US0000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter N. Lalos", with a long horizontal flourish extending to the right.

Peter N. Lalos

PNL:tnj
Attorney Docket No.: 8386.002.US0000

Date: August 20, 2008